

TENTH DAY

(Wednesday, January 25, 1939)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Senate Bills on First Reading

The following Senate bills were introduced, read severally first time, and referred to the committees indicated:

By Senators Van Zandt and Burns:

S. B. No. 87, A bill to be entitled "An Act amending Section 2, House Bill No. 32, Chapter 23, Page 151, Acts of the Forty-first Legislature, Fifth Called Session, [relating to registration of motor vehicles], and declaring an emergency."

Referred to Committee on Highways and Motor Traffic.

By Senator Burns:

S. B. No. 88, A bill to be entitled "An Act to provide for the Texas Prison Board, through its General Manager, bidding for contracts to supply the State with printing, binding, and supplies of like character

with the Board of Control without a bond, and entering into such contracts with the Board of Control without executing a bond, setting the amount, and declaring an emergency."

Referred to Committee on Public Printing.

By Senators Burns, Redditt and Hill:

S. B. No. 89, A bill to be entitled "An Act granting aid to San Jacinto, Trinity, Houston, Angelina, Sabine, San Augustine, Jasper, Tyler, Walker and Shelby Counties, Texas, made necessary by reason of the fact that the Federal Government has purchased in said counties practically fifty per cent (50%) of the land in said counties, thereby taking off the tax rolls so much valuation that said counties cannot operate a county government, and has caused great destruction to the roads and other improvements in said counties, remitting, releasing, granting, and donating to said counties all State ad valorem taxes levied or to be levied on property in said counties including the rolling stock of railroads for the years 1939-1940, both inclusive; providing that all grants, remissions, and donations shall apply to taxes collected for State General Revenue purposes only; providing that if any part of this Act be held unconstitutional it shall not affect any other part of this Act, and declaring an emergency."

Referred to Committee on State Affairs.

By Senator Stone of Washington:

S. B. No. 90, A bill to be entitled "An Act repealing Chapter 21 of the Laws of the Forty-fourth Legislature, Regular Session, being House Bill No. 874, Pages 1185 and 1186 of the General and Special Laws of the Forty-fourth Legislature, Regular Session, and declaring an emergency."

Referred to Committee on Highways and Motor Traffic.

By Senator Stone of Washington:

S. B. No. 91, A bill to be entitled "An Act creating a Delinquent Tax Board to exist for a period of two years, prescribing the duties of said Board and the duties and authority of delinquent deputy tax collectors and declaring an emergency."

Referred to Committee on State Affairs.

By Senator Hill:

S. B. No. 92, A bill to be entitled "An Act providing that all bonds for road construction purposes which have been heretofore issued and sold by counties with a population of not less than Thirty-two Thousand and Four Hundred and not more than Thirty-two Thousand and Eight Hundred people, according to the last preceding Federal Census, where the proceeds of the sale of bonds has been expended, in whole or in part, upon a highway which has, since the issuance and sale of said bonds, been temporarily or permanently designated as a part of the State Highway System, shall be entitled to participate in the State Highway Fund, under the provisions and restrictions of Chapter 136, Acts of the Forty-third Legislature, 1933, and declaring an emergency."

Referred to Committee on Highways and Motor Traffic.

By Senator Cotten:

S. B. No. 93, A bill to be entitled "An Act creating a Special Road Law for Kaufman County, Texas; providing that said County may fund or refund the indebtedness outstanding against its Road and Bridge Fund as of June 8th, 1938; setting forth the method of operation; validating the indebtedness proposed to be funded or refunded; validating all acts and proceedings heretofore had by the Commissioners' Court of said County, and officers thereof, in respect to the funding or refunding of said indebtedness; providing this law shall be cumulative of General Laws on the subject of roads and bridges and General Laws on funding or refunding bonds not in conflict herewith; providing this law shall be cumulative of Special Road Laws for Kaufman County, Texas, not in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; repealing all laws in conflict herewith, and declaring an emergency."

Referred to Committee on Highways and Motor Traffic.

By Senator Hardin:

S. B. No. 94, A bill to be entitled "An Act validating elections heretofore held, authorizing the issuance of waterworks revenue bonds, and the bonds when issued, approved and registered, under circumstances pre-

scribed herein, providing that the provisions hereof shall not be applicable in instances wherein litigation exists, and declaring an emergency."

Referred to Committee on Towns and City Corporations.

By Senator Hardin:

S. B. No. 95, A bill to be entitled "An Act to amend Article 1302, Title 32, of the Revised Civil Statutes of Texas, of 1925, by adding another subdivision thereto authorizing private corporations to be created for the purpose of manufacturing, buying and selling of lumber and building materials and the construction of buildings and improvements, and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

By Senator Winfield:

S. B. No. 96, A bill to be entitled "An Act amending Article 2350 of the Revised Statutes of the State of Texas, providing for the compensation of County Commissioners in any County where the population is less than 20,000 inhabitants and which has a tax valuation of not less than \$17,000,000 and not exceeding \$25,000,000 according to the last approved tax roll and with a total area of less than 950 square miles and not exceeding an area of 980 square miles, and declaring an emergency."

Referred to Committee on Counties and County Boundaries.

By Senator Winfield:

S. B. No. 97, A bill to be entitled "An Act amending Article 3883 of the Revised Statutes of the State of Texas, providing for the maximum compensation of County officials in any County where the population is less than 20,000 inhabitants and which has a tax valuation of not less than \$17,000,000 and not exceeding \$25,000,000 according to the last approved tax roll and with a total area of not less than 950 square miles and not exceeding a square area of 980 square miles, and declaring an emergency."

Referred to Committee on Counties and County Boundaries.

By Senator Martin:

S. B. No. 98, A bill to be entitled "An Act providing for the licensing of certain Insurance Agents; provid-

ing for two classes of Insurance Agents; defining the two classes of Insurance Agents; defining "Local Recording Agent"; defining "Solicitor"; providing the manner in which a Local Recording Agent shall make application to the Board of Insurance Commissioners for a license to operate; providing that individuals and partnerships may be granted a license as Local Recording Agents, and the manner in which such license shall be granted and to whom it may be granted; providing what the application for a license shall contain; providing who are entitled to make application for a license as a Local Recording Agent; making it unlawful for any person, firm or partnership to act as a Local Recording Agent or Solicitor in procuring business for any Insurance Company, corporation, inter-insurance exchange, Mutual, Reciprocal, Association, Lloyds or other Insurance Carrier without having in force a license as provided in this Act; providing for application for and licensing of a Solicitor; providing what such application shall contain and under what circumstances a license shall be granted to a Solicitor; providing for an examination to be given by the Board of Insurance Commissioners to an applicant for license as a Local Recording Agent, and to an applicant for license as a Solicitor and exempting certain persons from examination; making it unlawful for a person selling insurance to rebate or discriminate; providing that nothing in the Act shall prohibit a person insuring his own property or property in which he has an interest; prohibiting coercion of insurance, and giving the right of each citizen to choose his own agent or Insurance Carrier; prohibiting the licensing of an individual or firm from engaging in insurance business principally to handle insurance on property in which he has an interest or in which his family has an interest or his employer or employee; providing that one who has been licensed and asks for renewal thereof must show that during the prior year the total volume of premiums on insurance written for others shall exceed the total volume of premiums which said applicant shall have written or placed on his own property or upon property which he controls through ownership, mortgage, sale, family relationship or employment; providing for the renewal of licenses and the

terms upon which such renewals may be issued; providing for the fixing of rules and regulations for the examinations provided and the time within which such examinations shall be given, and for notice thereof; providing for the payment of fees by applicants for a license as Local Recording Agent, and for applicants for a license as Solicitor; providing for fees to be paid for renewal of licenses as Local Recording Agent or Solicitor; providing for the issuing of a license by the Board of Insurance Commissioners when any applicant shall have complied with the Act; providing that Local Recording Agents shall act as such only during the time they are acting as the authorized agent of an Insurance Company or Carrier having permit to do business in this State; providing the manner in which a Solicitor may be appointed by a Local Recording Agent and the application therefor; providing the number of Local Recording Agents a Solicitor may act for; and prohibiting a Solicitor from soliciting insurance until certain requirements have been complied with; making it unlawful for a Local Recording Agent or Solicitor to write a greater amount of insurance against loss by fire on property than the reasonable value thereof; providing for the suspension or cancellation of the license of a Local Recording Agent or Solicitor and the circumstances under which it may be done, and providing for a hearing with reference to the suspension or cancellation, and setting forth the causes for which any such license may be canceled or suspended; providing for voluntary surrender of the license held by a Local Recording Agent or Solicitor; providing that the Board of Insurance Commissioners shall not have the right to refuse to issue, or renew, nor suspend, nor revoke any license provided for in the Act except on hearing after notice, and providing the manner in which such hearing shall be had, providing that the applicant or accused shall have the right to be represented by counsel, providing who shall represent the Board as counsel, giving the Board the right to summon witnesses, and to require the production of records, books, etc., and to administer oaths, providing that applications can be made to the Courts for production of records and witnesses, requiring certain peace officers to serve process, and providing for payment for such

services, providing for the payment of witness fees and expenses, providing for the hearings to be held before the Board or any member thereof, providing places where such hearings may be had; giving any such applicant or accused the right of appeal to the Courts from any adverse order or judgment of the Board of Insurance Commissioners, and the time within which such appeal shall be taken, and providing for notice to be given by the Board of any order entered, and providing the manner in which such notice may be given, exempting certain Insurance Companies from the provisions of the Act, and exempting certain persons, firms and individuals from the provisions of the Act; providing for the handling of fees paid under the provisions of this Act, and the manner in which expenditures of such fees shall be made, etc., and declaring an emergency."

Referred to Committee on Insurance.

By Senator Metcalfe:

S. B. No. 99, A bill to be entitled "An Act amending Senate Bill 355, same being Chapter 338 of the Acts of the Regular Session of the Forty-fourth Legislature as amended by Senate Bill 309, the same being Chapter 341 of the Acts of the Forty-fifth Legislature, creating a Central Colorado River Authority, by adding a new section, giving the directors of said Authority the right to enter into contracts with the Governing Boards of other governmental agencies for the purpose of supervising construction and other operations of said agencies, limiting charges, liabilities and damages in connection therewith, providing for the donation and granting of the State of Texas to the District of one-half of all annual state ad valorem taxes collected in Coleman County for a period of twenty years, beginning September 1, 1939, describing the manner and method of collecting said taxes and the method of payment to the District; providing that said taxes may be used for the payment and retirement of interest and sinking fund upon bonds issued for the development of the District; providing that if any provisions of this Act shall be held invalid, the validity of the other provisions thereof shall not be affected; providing that this Act may be cited as an amendment to the

Central Colorado River Authority Act, and declaring an emergency."

Referred to Committee on Mining, Irrigation and Drainage.

By Senator Small:

S. B. No. 100, A bill to be entitled "An Act to regulate the occupation of hairdressers and cosmetologists, to create a State Board of Examiners for the licensing of persons to carry on and to teach such practices to insure the better training and education of such practitioners and instructors; to provide rules regulating the proper conduct and sanitation of hairdressing and beauty culture establishments and schools; to provide penalties for the violation thereof; providing for the levy and collection of taxes and charges thereunder and to make an appropriation providing a saving clause; repealing all laws in conflict herewith, and declaring an emergency and providing that this Act shall repeal and supersede House Bill No. 189 of the Regular Session of the Forty-fourth Legislature and House Bill No. 127 of the Second Called Session of the Forty-fourth Legislature of the State of Texas."

Referred to Committee on Public Health.

By Senator Shivers:

S. B. No. 101, A bill to be entitled "An Act making an appropriation to the State Health Department to be used for the purpose of assisting in the eradication of venereal diseases in the State on a cooperative basis with cities and counties and for carrying out venereal control programs, and declaring an emergency."

Referred to Committee on Finance.

By Senator Redditt:

S. B. No. 102, A bill to be entitled "An Act to conserve, preserve, and protect lands, products of lands, including timber and crops, and providing penalties, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Senator Small:

S. B. No. 103, A bill to be entitled "An Act permitting trustees of school districts in counties having a population of not less than five thousand seven hundred and ninety-six nor more than five thousand eight hundred and ninety inhabitants ac-

cording to the last preceding Federal Census to issue time warrants for the purpose of taking up, refunding and extending indebtedness incurred for the legal maintainance of schools in said districts up to June 1, 1939; providing for the amount and maturity of such warrants and interest thereon and for the mode of payment, and declaring an emergency."

Referred to Committee on Finance.

Reports of Standing Committees

Senator Collie presented the following report of the Committee on Rules:

Austin, Texas,
January 25, 1939.

Honorable Coke Stevenson, President of the Senate.

Sir: We, your Committee on Rules, to whom was referred

S. R. No. 18: "Resolved by the Senate of Texas that Rules Nos. 102 to 107, inclusive, are adopted by the Senate in lieu of the procedure set forth in Section 5, Article 3, of the Texas Constitution, etc.,"

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

COLLIE, Chairman.

[See Appendix of today's Journal for complete text of S. R. 18.]

Senator Moore submitted the following report of the Committee on Game and Fish:

Austin, Texas,
January 24, 1939.

Honorable Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

S. B. No. 76, A bill to be entitled "An Act of the Legislature of the State of Texas making it unlawful to transport minnows beyond the limits of Williamson County that are taken from any water in Williamson County for the purpose of barter and sale and fixing the penalty and declaring an emergency,"

Have had the same under consideration and I am instructed to report it back to the Senate with the recom-

mendation that it do pass, and be not printed.

MOORE, Chairman.

Message from the House

A Clerk from the House was reorganized to present the following message:

Hall of the House of Representatives,
Austin, Texas,
January 24, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 47, A bill to be entitled "An Act validating the creation of and certain proceedings, notices and orders relative to the creation of and issuance of bonds by Harris County Drainage District No. 14, and declaring an emergency," (with amendment.)

Respectfully submitted,

E. R. LINDLEY,
Chief Clerk, House of Representatives.

Senate Bill 47 with House Amendment

Senator Moore called from the President's table for consideration of the House amendment to the bill:

S. B. No. 47, A bill to be entitled "An Act validating the creation of and certain proceedings, notices and orders relative to the creation of and issuance of bonds by Harris County Drainage District No. 14, and declaring an emergency."

The President laid the bill before the Senate.

Senator Moore moved that the Senate concur in the House amendment to the bill.

The motion prevailed by the following vote:

Yeas—31

Aikin	Isbell
Beck	Kelley
Brownlee	Lanning
Burns	Lemens
Collie	Martin
Cotten	Metcalfe
Graves	Moffett
Hardin	Moore
Head	Nelson
Hill	Pace

Redditt
Roberts
Shivers
Small
Spears
Stone
of Galveston

Stone
of Washington
Sulak
Van Zandt
Weinert
Winfield

Messages from the Governor

The President laid before the Senate the following messages, which were read and referred to Committee on Nominations of the Governor:

Austin, Texas,
January 25, 1939.

To the Senate of the Forty-sixth Legislature:

I ask the advice, consent and confirmation of the Senate to the following appointment:

To be Judge of the 112th Judicial District of Texas:

W. C. Jackson of Fort Stockton, Pecos County, Texas.

Respectfully submitted,
W. LEE O'DANIEL,
Governor of Texas.

Austin, Texas,
January 25, 1939.

To the Senate of the Forty-sixth Legislature:

I ask the advice, consent and confirmation of the Senate to the following appointment:

To be Life Insurance Commissioner (term beginning February 10, 1939):
Truett Smith of Tahoka, Lynn County.

Respectfully submitted,
W. LEE O'DANIEL,
Governor of Texas.

Hour for Executive Session Set

Senator Shivers asked unanimous consent of the Senate that the hour of 11:00 o'clock a. m. today be set for the holding of an executive session of the Senate to consider nominations heretofore submitted by the Governor.

There was no objection offered, and it was so ordered.

Executive Session

At 11:00 o'clock a. m. the President announced the hour set for an executive session of the Senate had arrived, and he directed the Sergeant-

at-Arms to clear the floor and galleries of all those not entitled to attend the executive session and to close all doors leading from the Senate Chamber.

After Executive Session

At the conclusion of the executive session, the Secretary of the Senate informed the Journal Clerk that the following reports had been adopted:

(1)

Austin, Texas,
January 23, 1939.

Hon. Coke R. Stevenson, President of the Senate.

We, your Committee on Nominations by the Governor, have had under consideration the following recess nominations by Governor James V. Allred:

To be a Member of the Board of Barber Examiners:

L. E. Gray, of Ranger, Eastland County (reappointment; two-year term beginning October 14, 1938).

To be a Member of the State Commission for the Blind:

James A. Boddeker, of Galveston, Galveston County (for term expiring March 4, 1939).

To be Directors of the Brazos Reclamation and Conservation District:

R. A. Whatley, of Mineral Wells, Palo Pinto County, to succeed Henry Dunlavy, resigned.

Dr. A. C. Scott, Jr., of Temple, Bell County, to succeed John Lawrence, deceased.

To be Directors of the Central Colorado River Authority:

Arthur Young, of Burkett, Coleman County (reappointment).

George Pauley, of Valera, Coleman County (reappointment).

H. E. Evans, of Talpa, Coleman County (reappointment).

Leroy Stockard, of Santa Anna, Coleman County (reappointment).

H. S. Willey, of Novice, Coleman County (reappointment).

Dr. T. Richard Sealy, of Santa Anna, Coleman County (reappointment).

To be a Director of the Lower Colorado River Authority:

C. R. Pennington, of Abilene, Taylor County (reappointment to six-year term).

To be Directors of the Upper Colorado River Authority:

C. L. Green, of Winter, Runnels County (to fill unexpired term of T. D. Coupland, deceased), (expiring January 1, 1941).

L. T. Youngblood, of Bronte, Coke County (reappointment; six-year term beginning January 1, 1939).

J. Culberson Deal, of San Angelo, Tom Green County (reappointment; six-year term beginning January 1, 1939).

R. M. Simmons, of Sweetwater, Nolan County (reappointment; six-year term beginning January 1, 1939).

To be Members of the State Board of Education:

Ben G. Oneal, of Wichita Falls, Wichita County (to succeed Tom Garrard, of Tahoka; six-year term).

Homer C. DeWolfe, of Austin, Travis County (to succeed Ghent Sanderford, of Austin; six-year term).

M. T. Junker, of Dallas, Dallas County (to succeed R. S. Bowers, of Caldwell; six-year-term).

To be Fireman's Pension Commissioner:

R. W. Dykes, of El Paso, El Paso County (two-year term, beginning July 1, 1937).

To be Directors of the Guadalupe-Blanco River Authority:

Joe P. Gibbs, of Seguin, Guadalupe County (to succeed Adolph Fenne, for the term beginning February 1, 1937, and ending February 1, 1943).

A. J. McKean, Jr., of Luling, Caldwell County (for term ending February 1, 1943; succeeding L. Bridges, of Luling).

W. H. Smith, of Victoria, Victoria County (succeeding W. H. Crain, resigned; term expiring February 1, 1943).

A. W. Bourke, of Cuero, DeWitt County (for term expiring February 1, 1941; succeeding Newton W. Crain, resigned).

To be members of the State Board of Health:

W. L. Baugh, of Lubbock, Lubbock County (to succeed S. J. Alexander, of Hearne, deceased; term expiring June 15, 1943).

R. A. Thompson, of Dallas, Dallas County (to succeed J. M. Howe, of Houston, deceased; term expiring in 1943).

To be Members of the Texas Historical Board:

J. J. Carl, of Liberty, Liberty County.

Mrs. J. L. Staton, of Waco, McLennan County.

To be a Member of the Industrial Accident Board:

T. B. Hill, of Austin, Travis County (to succeed A. M. Graves, deceased; term expires September 1, 1939; Mr. Hill is representative of employers of labor on the Board).

To be Judge of the Fifty-ninth Judicial District of Texas:

J. T. Suggs, Jr., of Denison, Grayson County (to succeed Judge F. E. Wilcox; term expiring next general election).

To be Presiding Judge, Administrative Judicial District No. 2, and Member of Texas Civil Judicial Council:

W. C. Davis, of Bryan, Brazos County (reappointment).

To be Members of the Texas Civil Judicial Council:

A. H. Britain, of Wichita County (reappointment).

R. L. Ball, of Bexar County (reappointment).

D. A. Simmons, of Harris County (to succeed J. H. Barwise, of Fort Worth).

To be a Member of the Library and Historical Commission:

L. W. Kemp, of Houston, Harris County (to succeed George E. Shelley, of Austin; for a six-year term beginning September 19, 1938).

To be Chairman of the Texas Liquor Control Board:

E. W. Crouch, of McGregor, McLennan County (to succeed Pat Dougherty, of Austin, resigned; term expiring November 15, 1943).

(Mr. Crouch was appointed upon request of Senator W. R. Newton, deceased, who at that time represented the 13th District, in which Crouch resided.)

To be Members of the Board of Directors, Nueces River Conservation and Reclamation District:

Claude V. Birkhead, of San Antonio, Bexar County (to succeed C. S. Fowler, deceased; term expires February 1, 1941).

Albert Steves, of San Antonio, Bexar County (to succeed J. A. Miller, resigned, of Rock Springs; term expires February 1, 1939).

O. N. Stevens, of Corpus Christi, Nueces County (to succeed Hal Yakey, resigned, of Agua Dulce; term expires February 1, 1943).

Luther DeVilbiss, of Pearsall, Frio County (to succeed O dem Walker (failed to qualify) of Fowlerton; term expires February 1, 1941).

To be Members of the Pink Boll Worm Commission:

L. F. Curl, of San Antonio, Bexar County (as the member recommended by Secretary of Agriculture H. A. Wallace, to represent the Federal Government, as provided by law).

Miller Harwood, of Taft, San Patricio County.

Mac Word, of Alice, Jim Wells County.

Julius H. Wright, of Robstown, Nueces County.

J. W. Howell, of Presidio, Presidio County (Harwood, Word, Wright, and Howell were each appointed as the Commission Member from their respective infested area upon recommendation of the District Judge of each respective area, as provided by law).

To be Members of Board of Directors of San Jacinto Conservation and Reclamation District:

O. Etheridge, of Conroe, Montgomery County.

Leo Paddock, of Willis, Montgomery County.

J. W. Green, of Richards, Grimes County.

Charles R. Scott, of Dacus, Montgomery County.

Walter Greenwood, of Plantersville, Grimes County.

K. W. Keeland, of New Waverly, Walker County.

To be Members, Board of Directors, Texas Technological College:

Mark McGee, of Fort Worth, Tarrant County (to succeed Clifford Jones, resigned; term is for six years beginning February 19, 1937, and ending February 19, 1943).

Lisle Steele, of Mexia, Limestone County (for term of six years, expiring February 19, 1943; succeeding Dennis Zimmerman).

To be a Member of the Texas Unemployment Compensation Commission (representing labor):

Patrick D. Moreland, of Kaufman, Kaufman County (reappointment for term beginning November 21, 1938).

To be a Member, Board of Directors, College of Arts and Industries:

Frank C. Smith, of Houston, Harris County (to succeed James Kilday, resigned).

To be Presiding Judge of the 5th Administrative District:

Judge L. Broeter, of Alice, Jim Wells County (to succeed Judge A. M. Kent, whose term as District Judge has expired).

And recommend that they be confirmed.

SHIVERS, Chairman.

(2)

Austin, Texas,
January 23, 1939.

Hon. Coke R. Stevenson, President of the Senate.

We, your Committee on Nominations by the Governor, have had under consideration the following nomination:

To be Adjutant General of the State of Texas:

Harry Knox, Jr., of Brown County (term beginning January 17, 1939).

And recommend that he be confirmed.

SHIVERS, Chairman.

(3)

Austin, Texas,
January 24, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Governor's Nominations, to whom were referred the following appointments:

To be Members of the Board of Regents of the State Teachers Colleges (terms beginning January 10, 1939):

V. A. Collins of Polk County, Livingston, Texas.

Dr. J. G. Ulmer, of Smith County, Tyler, Texas.

Mrs. J. K. Beretta, of Bexar County, San Antonio, Texas.

To be Members of the Board of Regents of the University of Texas (terms beginning January 10, 1939):

Mrs. I. D. Fairchild, of Angelina County, Lufkin, Texas.

K. H. Aynesworth of McLennan County, Waco, Texas.

H. J. Lutch Stark, of Orange County, Orange, Texas.

Have had same under consideration and I am instructed to report that it is the Committee's recommendation that the foregoing appointments be in all things confirmed.

SHIVERS, Chairman.

(4)

Austin, Texas,
January 25, 1939.

Honorable Coke Stevenson, President of the Senate.

Sir: We, your Committee on Nominations by the Governor, have had under consideration the following:

Nomination of the Governor to be Judge of the 112th Judicial District of Texas:

W. C. Jackson of Fort Stockton, Pecos County, Texas, to succeed Joe G. Montague, resigned,

And recommend that his nomination be confirmed.

SHIVERS, Chairman.

In Legislative Session

The President called the Senate to order, as in legislative session, at 11:40 o'clock a. m.

Resolutions Signed

The President signed in the presence of the Senate, after their captions had been read, the following resolutions:

H. C. R. No. 20, In memory of Dr. W. R. Newton.

H. C. R. No. 6, To provide for reserving parking space in Capitol Grounds for cars of members of the Legislature and newspaper correspondents.

Suspension of Constitutional Rule

Senator Head moved that the constitutional rule relative to the consideration of bills during the earlier days of the Regular Session of the Legislature be suspended and that S. B. No. 7 be considered by the Committee on Education at its next meeting.

The motion prevailed by the following vote:

Yeas—25

Brownlee	Lanning
Burns	Lemens
Collie	Martin
Cotten	Metcalf
Graves	Moffett
Hardin	Moore
Head	Nelson
Hill	Redditt
Isbell	Roberts

Shivers	Sulak
Stone	Van Zandt
of Galveston	Weinert
Stone	Winfield
of Washington	

Nays—1

Aikin

Absent—Excused

Beck	Small
Kelley	Spears
Pace	

Suspension of Constitutional Rule

Senator Hill moved that the constitutional rule relative to the consideration of bills during the earlier days of the Regular Session of the Legislature be suspended, to permit consideration of S. B. No. 92 in Committee and by the Senate.

The motion prevailed by the following vote:

Yeas—25

Brownlee	Moore
Burns	Nelson
Collie	Pace
Cotten	Redditt
Graves	Roberts
Head	Shivers
Hill	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Weinert
Metcalf	Winfield
Moffett	

Nays—2

Aikin	Van Zandt
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Absent—Excused

Beck	Small
Hardin	Spears

Messages from the Governor

The President laid before the Senate, and had read, the following messages, which were referred to the Committee on Nominations of the Governor:

Austin, Texas,
January 25, 1939.

To the Senate of the Forty-sixth Legislature:

I ask the advice, consent and confirmation of the Senate to the following appointments:

To be Bembers of the Board of Regents of the College of Industrial Arts (Texas State College for Women): (terms beginning January 10, 1939)

J. K. Brim of Sulphur Springs, Hopkins County.

Mrs. George Waverly Briggs of Dallas, Dallas County.

Mrs. Bob Barker of Fort Worth, Tarrant County.

Respectfully submitted,

W. LEE O'DANIEL,
Governor of Texas.

Austin, Texas,
January 25, 1939.

To the Senate of the Forty-sixth Legislature:

I ask the advice, consent and confirmation of the Senate to the following appointments:

To be Members of the Board of Directors of A. & M. College: (term beginning January 10, 1939)

R. W. Briggs of Pharr, Hidalgo County, Texas (reappointment).

E. J. Keist of Dallas, Dallas County, Texas (reappointment).

A. H. Demke of Stephenville, Erath County, Texas.

Respectfully submitted,

W. LEE O'DANIEL,
Governor of Texas.

Adjournment

On motion of Senator Burns, the Senate, at 12:05 o'clock p. m., adjourned until 10:00 o'clock a. m., tomorrow.

APPENDIX

Full Text of S. R. 18

Be it resolved by the Senate of the State of Texas, That the following rules of the Senate be adopted as a part of the permanent rules of the Forty-sixth Legislature:

Rules Pursuant to Section 5, Article III, of State Constitution

The following rules Numbers 102 to 107, inclusive, are adopted by the Senate in lieu of the procedure set forth in Section 5, Article 3, of the Texas Constitution:

Time Limit for Introduction and Consideration of Bills

102. It shall be in order to introduce bills during the first sixty calendar days of the session, and to have the same referred to a proper committee. Provided, however, that at any time during the session, resolutions, emergency appropriations, emergency matters specifically submitted by the Governor in special messages to the Legislature, and local bills (as defined in Rule 104) may be introduced, referred to a committee, and disposed of under the General Rules of the Senate. The Senate may act upon the appointments (recess or otherwise) of the Governor at any time during the session.

Suspension of Time Limit Rule

103. Except as otherwise provided in Rule 102, no bills shall be introduced after the first sixty calendar days of the session. Provided, however, this Rule may be suspended by the affirmative vote of four-fifths of the members of the Senate.

Introduction and Consideration of Local Bills

104. The constitutional procedure with reference to the introduction, reference to a committee, and the consideration of bills set forth in Article III, Section 5, of the Constitution, shall not apply to local bills hereinafter defined, and the same may be introduced, referred, reported, and acted upon at any time under the general rules and order of business of the Senate.

A local bill is defined for the purposes of this Rule as an Act the provisions of which relate to or affect directly a defined locality, district, or section of the State, but which do not affect directly the State at large, and the operation of which is confined solely to a particular locality, district or section of the State.

105. Repealed in Senate Rules of the Forty-fifth Legislature.

Suspension of Rule Limiting Consideration of Bills

106. Except as otherwise provided in Rule 102 bills shall not be taken up, considered, or acted upon by the Senate during the first sixty calendar days of the session, unless this Rule

be suspended by the affirmative vote of four-fifths of the members of the Senate.

Consideration of Bills in Committees

107. It shall be in order for committees to consider bills and resolutions at any time during the session, make reports thereon, and file the same with the Senate.

ELEVENTH DAY

(Thursday, January 26, 1939)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Hill	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Van Zandt
Metcalfe	Weinert
Moffett	Winfield

Absent—Excused

Beck Spears
Head

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senator Beck was granted leave of absence for today, on account of important business, on motion of Senator Aikin.

Senator Head was granted leave of absence for today, on account of important business, on motion of Senator Collie.

Reports of Standing Committees

Reports as follows on the bills and resolutions indicated were submitted by the chairmen of the several standing committees to which they were referred:

Austin, Texas,
January 25, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 7, A bill to be entitled "An Act, amending Article 2618 of the Revised Civil Statutes of 1925, changing the statue of John Tarleton Agricultural College from a Junior College to a standard four-year college, and providing for a course of study for said college; and amending Article 2620 of the Revised Civil Statutes of 1925, changing the name of North Texas Junior Agricultural, Mechanical and Industrial College at Arlington to the name of North Texas Agricultural College, and placing said school under the Board of Directors of the Agricultural and Mechanical College of Texas, etc., and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
January 25, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred Senate Resolution No. 14, "amending the Caucus Report of the Senate of the Forty-sixth Legislature to provide that the pay of the Assistant Journal Clerk shall be \$7.50 per day and that this amendment shall be effective as of the first day of the Session, January 10, 1939,"

Have had the same under consideration and I am instructed to report it back to the Senate with recommendation that it do pass with the following Committee Amendment:

Committee Amendment

Amend the resolution by striking out the figures \$7.50 and inserting in lieu thereof the figures \$6.00.

ROBERTS, Chairman.